



**National Republican Congressional Committee**

**Donald F. McGahn II**  
**General Counsel**

December 3, 2004

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2004 DEC 16 P 3:40

Lawrence H. Norton, Esq.  
Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

MUR # 5629

Re: Complaint against Jim Newberry for Congress

Dear Mr. Norton:

The National Republican Congressional Committee, by and through its General Counsel, hereby brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) against the Jim Newberry for Congress campaign committee. The National Republican Congressional Committee is located at 320 First Street, S.E., Washington, D.C. 20003.

Jim Newberry ran in Missouri's 7<sup>th</sup> Congressional District as a Democrat. He had no discernible television advertising during his campaign, save for the last week prior to the election. In an unorthodox move, Newberry ran at least five different television advertisements simultaneously in the week before the election. In addition to obvious factual inaccuracies, none of those ads included a clearly readable statement that he approved the ad. *See Exhibits 1-5* (scripts of Newberry campaign advertisements).

Newberry for Congress has violated the public communications disclaimer requirements. The TV disclaimer "must include a statement that identifies the candidate and states that he or she has approved the communication." 11 C.F.R. § 110.11(c)(3)(i). The communication must also include "a similar statement that must appear in clearly readable writing at the end of the television communication." 11 C.F.R. § 110.11(c)(3)(iii). As demonstrated by the attached scripts of the ads, Newberry failed to include the written statement stating that he approved the message at the end of the communication. Thus, he violated section 110.11(c)(3).

Respectfully submitted,

Donald F. McGahn II

320 First Street, S.E.  
Washington, D.C. 20003  
(202) 479-7000  
[www.nrcc.org](http://www.nrcc.org)

Paid for by the National Republican Congressional Committee and not  
Authorized by any Candidate or Candidate's Committee  
[www.nrcc.org](http://www.nrcc.org)

Not printed at Government Expense

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DISTRICT OF COLUMBIA

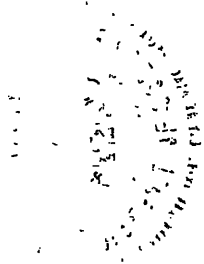
SWORN TO AND SUBSCRIBED before me on this 16<sup>th</sup> day of December, 2004.

Emily Palumbos  
Notary Public

My commission expires:

EMILY PALUMBOS Notary Public, District of Columbia My Commission Expires <u>01/09</u>
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# EXHIBIT 1

1

## MO-07 Newberry AD

### “Who is the real Roy Blunt”

Video:	Audio:
Lower half of screen contains two photos of Blunt Black background with red writing Text: The Real Roy	<b>Announcer:</b> Who is the real Roy Blunt?  And what does he stand for?
Photo of Bunt appears to the left Background contains pictures of cigarettes and alcohol Text: \$250,000	<b>Announcer:</b> Tobacco and Beverage companies have given him over \$250,000 for Roy's reelection campaign.
Wedding photo of Blunt appears Text: Family Values? New photo of bottles of alcohol and then a cigarette and an ashtray appear.	<b>Announcer:</b> He may preach family values, but the real Roy practices support for alcohol and tobacco companies.
Photo of Blunt Text: Corporate Accountability? New photo of a skyscraper appears followed by a photo of Blunt with dollars falling in front of it.	<b>Announcer</b> Roy claims to be for cooperate accountability, but big companies like Enron have given Roy thousands of dollars for his campaign.
Photo of capitol in the background Text: New ideas, new solutions, new leadership	<b>Announcer:</b> Its time for new ideas, new solutions, and new leadership.
Photo of Newberry to the Right. Text: Jim Newberry for congress Newberry Congress Putting southwest Missouri first! Paid for by Newberry for Congress	<b>Announcer:</b> Jim Newberry for Congress.  Putting southwest Missouri first. I'm Jim Newberry and you're darn right I approve this message.

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## EXHIBIT 2

<p><b>MO-07</b>  <b>"The Real Roy 2"</b>  <b>TV :30</b></p>	
<b>Video</b>	<b>Audio</b>
The Real Roy	Narrator: "What do Missourians really know about Roy Blunt?"
Over \$200,000	We know pharmaceutical drug companies have given Roy's reelection campaign over \$200,000.
	We also know Roy worked hard to pass the Medicare Prescription Bill that lined the pockets of drug companies, but produced almost no savings for our seniors.
Term Limits? 3 5?	Roy gained office promoting a three term limit. But now he's running for his fifth term.
New ideas New Solutions New Leadership	It's time for new ideas, new solutions and new leadership.
Jim Newberry U.S. Congress  Newberry for Congress  Putting Southwest Missouri First!  Paid for by Newberry for Congress.	<p>It's time for Jim Newberry. Jim Newberry for Congress. Putting Southwest Missouri first."</p> <p>Newberry: I'm Jim Newberry, and you're darn right I approved this message.</p>

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## EXHIBIT 3

<p align="center"><b>MO-07</b>  <b>"Being Blunt"</b>  <b>TV :30</b></p>	
<p align="center"><b>Video</b></p>	<p align="center"><b>Audio</b></p>
<p>Jim Newberry for Congress</p>	<p>Newberry: "Hi. I'm Jim Newberry and I'm running against Roy Blunt for US Congress. So let me blunt about Mr. Blunt.</p>
<p>\$500,000 From  Tobacco  Alcohol  Pharmaceutical  Companies</p>	<p>Roy has lined his campaign pockets with over a half million dollars from tobacco, liquor and pharmaceutical companies.</p>
<p>Big Businesses  Enron  Halliburton  \$40,000</p>	<p>The likes of Enron and Halliburton have pitched in another \$40,000.</p>
<p>Professional Politician</p>	<p>Roy's a professional politician. I'm not.</p>
<p>What's right for the People of  Southwest Missouri</p>	<p>As your Congressman, I'll do what's right for the people of Southwest Missouri.</p>
<p>Jim Newberry  U.S. Congress</p> <p>Newberry for Congress</p> <p>Putting Southwest Missouri First</p> <p>Paid for by Newberry for Congress</p>	<p>I'm Jim Newberry, and you're darn right I approved this message.</p>

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## EXHIBIT 4

<p><b>MO-07</b>  <b>"Debate"</b>  <b>TV :30</b></p>	
<b>Video</b>	<b>Audio</b>
(Newberry at debate)	Newberry: "Roy, you've taken a lot of money from Enron, Tyco and Halliburton. How can you say that you're for corporate accountability?"
(Empty podium with "Blunt" on it)	(crickets chirping)
(Newberry at debate)	Newberry: "Roy, you're married to a Phillip Morris lobbyist and you support a \$10 billion tobacco buyout. How can that be an independent vote?"
(Empty podium with "Blunt" on it)	(crickets chirping)
(Newberry to screen)	Newberry: "If Roy Blunt won't answer your questions now, make him answer on November 2 <sup>nd</sup> ."
<p>Jim Newberry  U.S. Congress</p> <p>Newberry for Congress</p> <p>Putting Southwest Missouri First!</p> <p>Paid for by Newberry for Congress.</p>	<p>I'm Jim Newberry, and you're darn right I approved this message."</p>

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## EXHIBIT 5

<p><b>MO-07</b>  <b>"My Opponent..."</b>  <b>TV :30</b></p>	
<b>Video</b>	<b>Audio</b>
Jim Newberry for Congress	Newberry: "Hi. I'm Jim Newberry and I'm running for US Congress. So is my opponent Mr. Blunt.
Veteran Fiscal Conservative Affordable Healthcare Better Schools	I'm a veteran and a fiscal conservative.  Fighting for you.
Chairman Judicial Ethics Committee	I know ethics.
Roy Blunt ethical?	Mr. Blunt does not.
Good 'Ole Boy Network  Drug Alcohol Tobacco Companies	While we're all battling for better jobs, higher pay and lower taxes, Roy's good ole boy network is lining his campaign pockets with cash from drug, alcohol and tobacco companies.
	Roy's a professional politician. I'm not.
Jim Newberry U.S. Congress  Newberry for Congress  Putting Southwest Missouri First!  Paid for by Newberry for Congress.	I'm Jim Newberry, and you're darn right I approved this message."

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